

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BARRY HARRIS,

Petitioner,

v.

CALVIN JOHNSON, *et al.*,

Respondents.

Case No. 3:20-cv-00695-MMD-WGC

ORDER

In this habeas corpus action, in which the Petitioner, Barry Harris, is represented by appointed counsel, on January 14, 2021, the Court denied Petitioner's application to proceed *in forma pauperis* on the ground that it was "incomplete, in that it does not include the required certificate of a prison official showing the amount of funds in Harris' trust accounts." (ECF No. 10 at 1.) The Court granted Petitioner's 60 days—until March 15, 2021—to pay the \$5 filing fee for this action, or to file a new, complete application to proceed *in forma pauperis*. (*Id.* at 2.)

On February 11, 2021, Petitioner filed a motion for reconsideration (ECF No. 11), requesting that the Court reconsider the denial of his *in forma pauperis* application. Petitioner points out that he filed a financial certificate on December 14, 2020 (ECF No. 1-2), but at that time had not filed an actual *in forma pauperis* application. (*Id.* at 2.)

Local Rule LSR 1-2 states:

When submitting an application to proceed *in forma pauperis*, an incarcerated or institutionalized person must *simultaneously* submit a certificate from the institution certifying the amount of funds *currently* held in the applicant's trust account at the institution *and the net deposits in the applicant's account for the six months before the date of submission of the application*. If the applicant has been at the institution for fewer than six months, the certificate must show the account's activity for this shortened period.

1 Local Rule LSR 1-2 (emphasis added). The financial certificate submitted by Petitioner
2 on December 14, 2020, was insufficient in that it was not filed simultaneously with his *in*
3 *forma pauperis* application, was not current when he filed his *in forma pauperis*
4 application (it was signed on October 26, 2020), and did not show the deposits in his
5 account for the six months before the *in forma pauperis* application was filed. The financial
6 certificate submitted by Petitioner was not on the form provided by this Court.

7 Therefore, Petitioner has not shown grounds for reconsideration of the denial of
8 his *in forma pauperis* application. See Federal Rule of Civil Procedure 60(b). The Court
9 will deny the motion for reconsideration. The Court will extend the time for Petitioner to
10 pay the \$5 filing fee for this action, or to file a new, complete application to proceed *in*
11 *forma pauperis*.

12 It is therefore ordered that Petitioner's motion to reconsider denial of application to
13 proceed *in forma pauperis* (ECF No. 11) is denied.

14 Petitioner will have until and including April 16, 2021, to pay the \$5 filing fee for
15 this action, or to file a new, complete application to proceed *in forma pauperis*. In all other
16 respects, the schedule for further proceedings set forth in the order entered January 14,
17 2021 (ECF No. 10) will remain in effect.

18 DATED THIS 26th Day of February 2021.

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22 MIRANDA M. DU
23 CHIEF UNITED STATES DISTRICT JUDGE
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